

FILED
10/2/2024

MEN

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Dorna Sports, S.L.

Plaintiff

v.

Ofer Koren

Defendant

Case Number: 24-cv-5115

Judge: Manish S. Shah

Magistrate Judge: Susan McClintic

Introduction:

I am contesting the trademark infringement claim (Case: 1:24-cv-05115) regarding the use of "Moto GP" in my eBay listing for baseball caps.

I acted in good faith and took all reasonable steps to avoid any infringement.

1. Good Faith Efforts:

I utilized eBay's VERO system to check for trademark conflicts. At the time of my listing, "Moto GP" was not listed in the system as a protected trademark.

This demonstrates my proactive approach in adhering to trademark laws.

2. Lack of Knowledge:

I was unaware that "Moto GP" was a protected trademark. My actions were based on the information available to me through eBay's tools and general research.

3. Due Diligence:

In addition to using the VERO system, I conducted a general search to ensure my listing complied with trademark laws. I made a genuine effort to avoid infringement.

4. Corrective Actions:

Before being informed of the trademark claim, during early July 2024 I decided to stop my eBay selling (short) adventure and removed the listing with the rest of my listings.

This can be backed up by eBay reports and logs.

5. Legal and Procedural Defenses:

My actions were not intended to infringe on any trademark rights. Trademark infringement typically requires some level of intent, and I acted in good faith.

6. Mitigating Factors:

There was no actual harm or consumer confusion caused by my listing. My use of "Moto GP" was incidental and not intended to mislead consumers.

As a 67-year-old pensioner, who was seeking to fill some free time with selling items on "eBay", I am NOT into violating any laws and rules.

Nevertheless, my eBay account was named with my true name, would that be something a criminal does ??

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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Conclusion:

Given the circumstances, I respectfully request reconsideration of the claim, considering my efforts to comply with trademark laws and my corrective actions.

Sincerely.

Ofer Koren

